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Agenda item 9
Adoption of the report of the Committee on its forty-second session

Draft report

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Addendum

Programme questions: proposed revisions to the medium-term plan for the period 2002-2005

Item 4 (b)

Programme 5
Legal affairs

1. At its 9th meeting, on 17 June 2002, the Committee considered the proposed revisions to the medium-term plan for the period 2002-2005. It had before it proposals in respect of programme 5, Legal affairs (A/57/6 (Prog 5)).

2. The representative of the Secretary-General introduced programme 5 and responded to queries raised during the Committee's consideration of the programme.

Discussion

3. Satisfaction was expressed with the services rendered by the Office of Legal Affairs to the Commission on the Limits of the Continental Shelf. Queries were raised on the revisions related to subprogramme 4, Law of the sea and ocean affairs. The view was expressed that General Assembly resolutions 56/12 on oceans and the law of the sea and 56/13 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks did not contain specific mandates to warrant the revisions

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proposed under paragraphs 5.27 and 5.28. It was emphasized that the services and assistance to be given to States Parties to the Convention should be limited to those States which had requested assistance.

4. Clarification was sought concerning the ongoing substantive support provided to the Preparatory Commission for the International Criminal Court as indicated in paragraph 5.21 of subprogramme 3, Progressive development and codification of international law, in the light of the recent ratification of the statute by the requisite number of States Parties.

5. Reference was made to paragraph 66 of the report of the Office of the Internal Oversight Services (E/AC.51/2002/5) regarding the United Nations Commission on International Trade Law under subprogramme 5, Progressive harmonization and unification of the law of international trade, which, inter alia, reported that with the exception of the addition of a P-4 post in 2001, staff resources had remained at the 1968 level. In the light of that observation, the revisions contained in paragraph 5.35 for the strengthening of the secretariat of the Commission, in view of its increased workload, were welcomed. The view was expressed that the strengthening could be effected by utilizing existing resources. However, given the nature of the work of various organizational units in the Office of Legal Affairs, doubts were expressed whether the strengthening could be achieved within existing resources.

6. Clarification was sought concerning the impact of the deleted mandates previously referenced under subprogramme 3.

Conclusions and recommendations

7. The Committee recommended that the General Assembly approve the revisions proposed by the Secretary-General to programme 5, Legal affairs, of the medium-term plan for the period 2002-2005, subject to the following modifications:

Sub-programme 1
Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole

Indicators of achievement

Paragraph 5.12

Retain the original wording of paragraph 5.12 of the medium-term plan for the period 2002-2005, as contained in document A/55/6/Rev.1.

Sub-programme 3
Progressive development and codification of international law

Strategy

Paragraph 5.20

Retain the original wording of paragraph 5.20 of the medium-term plan for the period 2002-2005, as contained in document A/55/6/Rev.1.

Paragraph 5.21

In the second sentence, delete the words "and the Preparatory Commission for the International Criminal Court", and in the subsequent explanation of change provided in italic type in square brackets, delete the reference to General Assembly resolution 56/85.

Sub-programme 4
Law of the sea and ocean affairs

Strategy

Paragraph 5.27

Retain the original wording of paragraph 5.27 of the medium-term plan for the period 2002-2005, as contained in document A/55/6/Rev.1.

Paragraph 5.28

- **In the third sentence, before the words "in particular developing States", insert the words "at their request".**
- **In the last sentence, after the words "consultations with the States parties will be carried out", insert the words "in accordance with the provisions of General Assembly resolution 56/13" and delete the rest of the sentence.**

Paragraph 5.29

At the end of the last sentence, add a new sentence reading "Such action will be assisted by more effective collaboration and coordination between the relevant parts of the United Nations Secretariat and the United Nations as a whole, and improved coordination at the inter-agency level, as requested in General Assembly resolution 56/12, paragraph 49".

Sub-programme 5
Progressive harmonization and unification of the law of international trade

Paragraph 5.35

Replace the second sentence with the following: "In order to enable the Branch to carry out the work programme of the Commission, it is necessary to implement the request by the General Assembly in its resolution 56/79."